



भारत सरकार / GOVERNMENT OF INDIA

पोत परिवहन मंत्रालय / MINISTRY OF SHIPPING

नौवहन महानिदेशालय / DIRECTORATE GENERAL OF SHIPPING

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F. No. 16/CR/4/2009-Vol-IV.

Dated:16 /11/ 2017

Merchant Shipping Notice No.09 of 2017

Subject: Implementation of the Merchant Shipping (Maritime Labour) Rules 2016- the inspection and certification of the Maritime Labour Conditions on Indian ships of GRT below 500 MT and Indian Ships registered under DG Shipping Order 18 of 2013 (Indian River Sea vessels) and DG Shipping Order 01 of 2014 (Indian Coastal Vessels) as amended- reg.

1. In exercise of the powers conferred by section 218A, read with section 457, of the Merchant Shipping Act, 1958 (44 of 1958), as amended, the Central Government' having regard to the provisions of the Maritime Labour Convention, has notified the Merchant Shipping (Maritime- labour) Rules, 2016, which came into force with effect from 29.02.16. vide the Ministry of Shipping, Govt. of India's Notification G.R.F' 202 (E) dated 29.02.16.
2. Accordingly, the Directorate General of Shipping, Govt. of India, through its M S Notice 16 of 2016 dated 08/12/2016, had laid down an elaborate and comprehensive administrative mechanism for the inspection and certification for Indian Ships of GRT 500 MT and above in line with the MLC-2006.
3. Further, to implement the provisions of Maritime Labour Convention on the ships of less than 500 GRT, Indian River Sea Vessel, covered in DGS Order 18 of 2013 as amended, and Indian Coastal Vessel, covered in DGS Order 01 Of 2014 as amended following guidelines/processes are to be followed by the owners of such ships:

.....2/-

A) Categories of the Ships covered under this notice

Cat.	Category of ships	MLC 2006 Compliance	MLC Certification
a	(a) Ships of GRT < 200 on coastal voyages including Indian River Sea Vessels and Indian Coastal Vessels (b) Ships of GRT < 200 on International Voyages.	Required. Two inspections to be carried out in any five years period in accordance with the Part A (Check List) of the Annexure-3 to this notice with Interval between two consecutive inspections not exceeding 3 years	A "Statement of Compliance" to be issued by the Recognised Organisation, valid for 5 Years, as shown in "Part B" of the Annexure 3 to this Notice.
b	(a)Ships of GRT = 200 < 500 on coastal voyages including Indian River Sea Vessels and Indian Coastal Vessels (b)Ships of GRT = 200 < 500 on International voyages.	Required. Two inspections to be carried out in any five years period in accordance with the Part A (Check List) of the Annexure-3 to this notice with Interval between two consecutive inspections not exceeding 3 years	A "Statement of Compliance" to be issued by the Recognised Organisation, valid for 5 Years, as shown in "Part B" of the Annexure -3 to this Notice.
c	Indian River Sea Vessels and Indian Coastal Vessels of GRT 500 and above	Required. Two inspections to be carried out in any five years period in accordance with the Part A (Check List) of the Annexure-3 to this notice with Interval between two consecutive inspections not exceeding 3 years	A "Statement of Compliance" to be issued by the Recognised Organisation, valid for 5 Years, as shown in "Part B" of the Annexure 3 to this Notice.

.....3/-



B) Guidelines

- (1) The owners of the above categories of the ships need not apply separately to the respective registrar of the vessels i.e. Mercantile Marine Department (MMD) for the issuance of the "Declaration of Maritime Labour Compliance Part -I " (DMLC part-I)". **Annexure-I** to this Notice shall serve as the DMLC Part I required to be issued by the Maritime Administration.
- (2) The ship owners shall make the "Declaration of Maritime Compliance (DMLC) Part -II" in the format given in **Annexure II** to this Notice. A copy of such completed and duly signed "DMLC Part-II" by the ship owner shall be submitted to the registrar of the ships along with the copies of the "financial securities" Rule 12 and rule 19 of Merchant Shipping (Maritime Labour) Rules 2016. The original "DMLC Part II" shall be placed on board the ship. The Surveyor /inspector from the Recognised Organisation (RO) shall, at the time of the inspection, ensure that the said declaration is available on board in original duly signed/stamped by the ship owner or its representative.
- (3) On board compliance verification Inspection shall be carried out by the RO in accordance with the Check List given in the "**Part A**" of the **Annexure 3** to this Notice. Minimum two inspections shall be carried out in any five years period with interval between two inspections not exceeding 3 years.
- (4) On satisfactory completion of the inspection, the surveyor/inspector shall endorse and stamp the "Statement of Compliance", given in Part B of the Annexure- 3 to this notice. The validity of the "Statement of Compliance" shall be five years from the date of the completion of the inspection.
- (5) Ship-owners shall proceed to implement the requirements stipulated in this notice on board above categories of ships with immediate effect. The first on board compliance verification inspection shall be carried out by the RO at the next Annual/ Intermediate / Renewal survey of the vessel falling due after 3 months from the date of the issuance of this notice. However, the ship owners may choose to pre-pone the inspection if any of the said surveys are falling due within 3 months of the time period provided for the compliance. It is expected that in due course of time, the Inspection and Certification regime described in this notice will get harmonised with the statutory and class surveys of the ships.
- (6) Completed Part A and Part B of the Annex 3 duly filled, stamped and signed by the RO shall be available on board in original as evidence of compliance with this notice.

.....4/-

- (7) During the Flag State Inspection of the ships, the compliance with the provisions of this notice shall be verified by the attending surveyor.
- (8) The provisions of MLC for trainees/cadets shall be applicable as notified vide M.S. Notice No.4/5 of 2017 dated 02.06.17 read with M.S. Notice No.06 of 2017 dated 06.06.17 and M.S. Notice No. 08 of 2017 dated 16/11/2017.
- (9) Recognised Organisation referred above include such ROs, whom DGS, GoI has formally authorised through a mutual agreement, As on date , names of such authorised ROs are :
- a) Indian register of Shipping
 - b) Lloyds Register Group Limited
 - c) Bureau Veritas
 - d) American Bureau of Shipping
 - e) Nippon Kaiji Kyokai
 - f) Korean register of Shipping
 - g) RINA services S.P.A
 - h) DNV GL AS

4. This issues with the approval of Competent authority.



(Subhash Barguzer)
Deputy Director General of Shipping (Crew)

To,

- 1. All Shipping Companies.
- 2. Indian Registrar of Shipping, Mumbai
- 3. Principal Officer, Mercantile Marine Department Offices Mumbai, Chennai, Kolkata, Kandla, Kochi.
- 4. Surveyor-in-charge, Mercantile marine Department Office Jamnagar, Murmagoa, Manglore, Tuticorin, Vishakapatnam, Paradip, Haldia, Port Blair, Noida.

Copy to :

- 1. INSA/FOSMA/MASSA
- 2. NUSI/MUI/ICCSA
- 3. Nautical/Engineering/Naval Architecture/Training/SD Branch of the DGS.
- 4. Hindi Section.

Declaration of Maritime Labour Compliance Part- 1

1. Minimum age [Rule 4 of the Govt. of India's Merchant Shipping (Maritime Labour) Rules, 2016]:

- a) No person under 16 years of age shall be engaged or carried to sea to work in any capacity in any ship.
- b) A 'young person' means any seafarer between the age of 16 and 18 years.
- c) 'Night' shall cover a period of at least nine hours starting from 2100 hours and ending at 0600 hours of the time zone at the location of the ship
- d) Night work for young person is prohibited with the following exceptions;
 - i. for structured training with established programs and schedules approved by the Director General of Shipping.
 - ii. for those specific types of works or an approved training programme which are scheduled to be carried out at night only. These types of work shall be decided by the Director General considering the well being of the young persons.
- e) Young person shall not be engaged or employed for carrying out the following hazardous works which may jeopardize the health of such young persons;
 - i. Operating power machines, hoists, cranes or acting as signalers for the operators of such machines.
 - ii. Attending to afloat works and work on deck during foul and heavy weathers.
 - iii. Entry into boilers, tanks cofferdams and confined spaces.
 - iv. Rigging
 - v. Lifting, moving or carrying heavy loads.
 - vi. Exposure to toxic/ radioactive and other dangerous /hazardous substances.
 - vii. Entrusting any other work which have been declared as hazardous work by the Director General.

2. Medical certification [Rule 5 of the Govt. of India's Merchant Shipping (Maritime Labour) Rules, 2016]:

- a) Any seafarer including young person employed on board a ship/vessel shall hold a valid medical certificate declaring him/her to be medically fit to carry out duties on board a ship/vessel as prescribed in section 98 and 111 of M. S. Act, 1958, as amended, respectively.
- b) Medical certificate shall be issued in accordance with the M.S.(Medical Examination) Rules 2000, as amended, issued by the GOI and shall be in compliance with STCW 2010 & ILO/WHO guidelines for conducting Pre sea and periodic Medical Fitness examination for Seafarers and also Merchant Shipping (Maritime Labour) Rules, 2016.
- c) The certificate shall be valid for a maximum period of 2 years and for young person the same shall be valid for one year. The certificate for colour blindness shall be valid for a maximum period of 6 years.
- d) In exceptional and urgent circumstances the seafarers including young persons are allowed to sail/serve on the vessel for a maximum period of 90 days without a valid medical certificate within which periods the seafarer/young person has to obtain a valid medical certificate. The seafarer/ young person shall also possess a recently expired medical certificate of 90 days in such cases.

3. Qualification of seafarers [Rule 6 of the Govt. of India's Merchant Shipping (Maritime Labour) Rules, 2016]:

- a) all seafarers working on board any ship shall be trained or certified as competent or otherwise qualified to perform their duties.
- b) any seafarer shall be permitted to work onboard a ship only after successfully completing training for personal safety on board.
- c) Qualification, Training and certification of the seafarers shall be as prescribed by the Directorate General of Shipping, Government of India.

Signature

4. Seafares employment agreement

- a) seafarers working on Indian flag ships shall have a seafarers' employment agreement signed by both the seafarer and the ship owner or a representative of the ship owner or where they are not employees, evidence of contractual or similar arrangements providing them with decent working and living conditions on board the ship as required by the Act/ rules/circulars/notices issued by Directorate General of Shipping, GoI thereunder.
- b) seafarers signing a seafarers' employment agreement shall be given an opportunity to examine and seek advice on the agreement before signing, and such other facilities as are necessary to ensure that they have freely entered into an agreement with a sufficient understanding of their rights and responsibilities;
- c) the ship owner and seafarer concerned shall each have a signed original of the seafarers' employment agreement;
- d) the ship owner shall ensure that clear information as to the conditions of the employment is easily obtained on board by seafarers, including the master of the ship and that such information including a copy of the seafarers' employment agreement is accessible to the Director General of Shipping or any other entity so notified including port state authorities in ports to be visited;
- e) at the end of, or termination of, contract, every seafarer's continuous discharge certificate, where applicable, shall be endorsed with record of employment on board the ship;
- f) Where a collective bargaining agreement in full or part forms part of a seafarers' employment agreement, a copy of that agreement shall be made available on board;
- g) The seafarers' employment agreement and any applicable collective bargaining agreement shall be in English;
- h) Ship owner or its licensed recruitment and placement service provider shall file the articles of agreement signed, with the seafarer to the shipping master or other related authority within the time limit as specified by the Director General of Shipping;
- i) Seafarers' employment agreements shall in all cases contain the particulars specified in sub rule 5 of Rule 8 of MS(Maritime labour) Rules;
- j) Minimum period of notice to be given by the seafarers and ship owners for the early termination of a seafarers' employment agreement shall be in accordance with the collective bargaining agreement or seafarer employment agreement, but in any case shall not be shorter than seven days. A period of notice shorter than seven days may be given in circumstances which are recognised under the collective bargaining agreements, where applicable as justifying termination of the employment agreement at shorter notice or without notice and in determining these circumstances, it shall be ensured by the ship owner that the need of the seafarer to terminate, without penalty, the employment agreement on shorter notice or without notice for compassionate or other urgent reasons is taken into account.
- k) Seafarers' entitlement for compensation from the ship owner in case of injury, loss or unemployment arising from loss of the ship or foundering shall be specified in the collective bargaining agreement or the Seafarers' Employment Agreement.

5. Use of any licensed or certificated or regulated private recruitment and placement service [Rule 7 of the Govt. of India's Merchant Shipping (Maritime Labour) Rules, 2016]:

Recruitment and placement of Indian seafarers shall be in accordance with the Merchant Shipping (Recruitment and placements of Seafarers) Rule, 2016 and the Merchant Shipping (Maritime Labour) Rules, 2016 made under the Merchant Shipping Act, 1958, as amended.

6 **Hours of work or rest** [Rule 10 of the Govt. of India's Merchant Shipping (Maritime Labour) Rules, 2016]:

- (1) The normal working hours standard for seafarers shall not exceed an eight-hour day with one-day rest per week and rest on public holidays as per collective bargaining agreement or seafarers' employment agreement.
- (2) The ship owner shall adopt minimum hours of the rest which shall be,-
 - (i) not less than ten hours in any twenty-four hour period; and
 - (ii) not less than seventy-seven hours in total for a period of seven days in different spells.
- (3) Minimum ten hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length and the interval between consecutive periods of rest shall not exceed fourteen hours.
- (4) Musters, fire-fighting and lifeboat drills, and drills provided by the Act and rules made there under and by the International instruments shall be conducted in a manner that minimises the disturbance of rest period and does not induce fatigue.
- (5) When a seafarer is on call, such as when a machinery space is unattended, the seafarer shall have an adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work.
- (6) The ship owner shall ensure the posting, in an easily accessible place, of a table with the shipboard working arrangements showing the schedule of service at sea and service in port. The Ship owner shall maintain a record of Seafarers' daily hours of rest in an appropriate format, which shall be endorsed by the Master or a person authorised by the Master.
- (7)
 - (a) Nothing shall prevent the right of the master of a ship to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea;
 - (b) In accordance with the provisions of clause (a), the master may suspend the schedule of hours of work or hours of rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored;
 - (c) As soon as practicable, after the normal situation has been restored, the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.
- (8) The ship owner shall establish the following operational parameters and practices to ensure that seafarers are provided with the adequate leave, namely:-
 - (a) Seafarers employed on ships shall be given paid annual leave of at least 2.5 calendar days per month of employment or pro rata;
 - (b) Seafarers shall be granted shore leave of adequate period to safe-guard their health and well-being and with the operational requirements of their positions.
- (9) Any agreement to forgo the minimum annual leave with pay specified in this rule, except in cases provided for by the Director General, shall be prohibited; provided that, the division of annual leave into parts, or the accumulation of such annual leave due in respect of one year together with a subsequent period of leave is authorized subject to mutual agreement between the ship owner and the seafarer concerned.

7

7. Manning levels for the ship [Rule 14 of the Govt. of India's Merchant Shipping (Maritime Labour) Rules, 2016]:

The ship owner shall ensure that each ship shall be manned as per the safe manning document issued by Mercantile Marine Department from time to time, by a crew that is adequate, in terms of size and qualifications, and manned by a crew so that the ships are operated safely, efficiently and with due regard to security under all conditions, taking into account concerns about seafarer fatigue and the particular nature and conditions of the voyage. The ship owner shall also ensure that provisions of Rule 17 with regards to food and catering are complied with.

8. Accommodation [Rule 16 of the Govt. of India's Merchant Shipping (Maritime Labour) Rules, 2016]:

1. The requirement of Accommodation for the ship constructed or substantially modified on or after 09th October, 2016, shall be in accordance with Merchant Shipping (Seafarers' Accommodation) Rules, 2016. For the ships constructed before 9th October, 2016 the Merchant Shipping (Crew Accommodation) Rules, 1960, as amended, shall be applicable. For Indian River Sea Vessels Annex 4 of RSV Notification 18 of 2013 and for Indian Coastal Vessels, Annex 3 of Coastal Vessel Rules Notification 01 of 2014, as amended, shall be applicable.
2. Fortnightly inspections along with documentation shall be carried out by the Master or his representative on board to ensure that the seafarers' accommodation is clean, decently habitable and maintained as per the requirements of M.S. (Maritime Labour) Rules, 2016.

9. On-board recreation facilities [Rule 16 of the Govt. of India's Merchant Shipping (Maritime Labour) Rules, 2016]:

As far as practicable, recreational facilities including but not limited to television, showing of films, magazines, sports equipments, internet & e-mail, communication facility, library etc shall be provided at no cost to the seafarers.

10. Food & catering [Rule 17 of the Govt. of India's Merchant Shipping (Maritime Labour) Rules, 2016]:

- a) The ship owner shall provide variety food of required quality, quantity and nutritional value and water, including drinking water which covers the requirement of the complement on board the ship, their religious requirements and cultural practices pertaining to food, duration and nature of voyage.
- b) The ship owner shall ensure that the food and water including drinking water is provided to the seafarers free of charge during the period of engagement.
- c) The ship owner shall ensure that the seafarers, who are engaged as cooks of the ship, where the Specified Safe Manning (as per minimum safe manning document issued by administration) of the vessel is 10 or more, are in possession of the Certificate of Competency of Cook, issued by Directorate General of Shipping.
- d) Catering staff shall be trained or instructed for their positions on board ship.
- e) On ships operating with a specified manning of less than ten which, by virtue of the size of the crew or the trading pattern, may not be required to carry a fully qualified cook, anyone processing the food in the galley shall be trained or instructed in areas including food and personal hygiene and handling and storage of food on board ship. Documented inspections shall be carried out on board the ships with an interval of 15 days, by or under the authority of the master, with respect to:
 - i. Supplies of food and drinking water:
 - ii. All spaces and equipment used for the storage and handling of food and drinking water; and
 - iii. Galley and other equipment for the preparation and services of meals.
- f) No seafarer under the age of eighteen shall be employed or engaged or work as a cook with the ship.

11. Health and safety and accident prevention [Rule 20 of the Govt. of India's Merchant Shipping (Maritime Labour) Rules, 2016]:

- a) Ship owners shall adopt, implement and promote occupational safety, health policies, programmes on board ships including risk evaluation, training as well as instruction of seafarers in accordance with the provisions of safety management system(SMS) developed by it.
- b) Ship owners shall provide reasonable precautions to prevent occupational accidents, injuries and diseases on board ships including measures to reduce and prevent the risk of exposure to harmful levels of ambient factors and chemicals as well as risk of injury or diseases that may occur from the use of equipment and machineries on board ships as the laid down procedures in SMS.
- c) Ship owners shall report the details of occupation accidents, injuries occurred on board the ships in accordance with the relevant section of M. S. Act 1958 as amended.
- d) Ship owners shall ensure that the master and another designated officer on board is delegated with the responsibility for the implementation of and compliance with the ship's occupational safety and health, and related programmes policy as prescribed in SMS.
- e) Ship owner and master shall ensure that in order to promote occupational safety, health awareness on board, a "Safety Committee Meeting" is held at least once monthly, if there are five or more Seafarers on board. The record of such meetings shall be maintained on board.
- f) Ship owners shall ensure that the safety and health of young person's on board are adequately taken care of as per the relevant provision of M.S. Act 1958 as amended.

12 On-board medical care [Rule 18 of the Govt. of India's Merchant Shipping (Maritime Labour) Rules, 2016]:

- (1) The ship owner shall adopt such measures for providing protection of health and medical care, including essential dental care, at no cost to the seafarers, for seafarers working on board a ship.
 - a) ensure the application to seafarers, of any general provisions on occupational protection of health and medical care relevant to their duties, and of special provisions specific to work on board ship whilst working on board;
 - b) ensure that seafarers are given protection of health and medical care including prompt access to the necessary medicines, medical equipment in accordance with the provisions of the Merchant Shipping (Medicine, Medical stores appliances and First Aid Equipment) Rules, 1994, and facilities for diagnosis and treatment and to medical information and expertise;
 - c) Give seafarers the right to visit a qualified medical practitioner or dentist without delay in ports of call, where practicable, at no cost to the seafarer;
 - d) ensure that medical care and protection of health services while a seafarer is on board ship or landed in a foreign port are provided free of charge to seafarers; and are not limited to treatment of sick or injured seafarers but include measures of a preventive character such as health promotion and health education programmes.
- 2) The ship owner shall adopt a standard medical report form for use by the masters of the ship and relevant onshore and on-board medical personnel and the form when completed, its contents shall be kept confidential and shall only be used to facilitate the treatment of seafarers.
- (3) Ships to which Merchant Shipping (Carriage of Medical Officers) Rules, 1961 apply shall carry medical practitioner on board.
- (4) (a) The ship which does not carry a medical practitioner shall be required to have either at least one seafarer on board who is in charge of medical care and administering medicine as part of their regular duties or at least one seafarer on board competent to provide medical first aid and shall have satisfactorily completed training in medical care that meets the requirements of Standard of Training Certification and Watch Keeping Convention.
- (5) (a) The ship owner shall ensure by a prearranged system that an appropriate medical advice-including specialist advice is available to ships at sea on all twenty-four hours of a day at no cost to the seafarer.

13 On-board complaint procedures [Rule 26 of the Govt. of India's Merchant Shipping (Maritime Labour) Rules, 2016]:

The Indian Flag ship shall adopt following on board complaint procedures:—

- a. Any aggrieved seafarer serving on board an Indian flag ship, shall, as soon as is feasible, submit a written complaint to his Head of Department on board (deck or engine) or directly to the Master, which shall be immediately and formally acknowledged by the Head of Department/Master to the seafarer concerned. A seafarer shall, at all times, have the unequivocal right to be accompanied and to be represented by another seafarer of his choice on board the ship concerned, while making the complaint or for the follow - up work thereon.
- b) If the Head of Department/Master cannot resolve the seafarer's complaint to the satisfaction of the seafarer, within a prescribed time limit of seven days of the receipt of the written complaint, the Master shall:
 - 1) Record the complaint and the action taken in the record book. A proper documentary record of all the complaints and actions taken on each complaint shall be kept on board and shall be available for an inspection by the authorities concerned for a period of at least three years of receipt of complaint.
 - 2) Take up the matter with the Recruitment and Placement service provider or the ship's manager (Company), as applicable, or with the Ship-owner. The ship-owner shall resolve the matter, without any delay, but not later than within a maximum period of one month of receipt of complaint. Contact details of the shipowner for resolving seafarer's complaints shall be made available onboard, by the Master of the vessel.
- c) If the complaint of the seafarer is not resolved by the recruitment and placement service/Manager or the shipowner within one month, the seafarer shall have the right to approach the competent authority, through the Grievance Redressal Mechanism as may be issued by the Director General from time to time. The complaint so registered with the authority shall contain the copies of the complaint made by the seafarer to all his superiors, as mentioned above, including to the recruitment and placement service or shipowner or the Union (if any) and the replies given thereto by them, if any.
- d) In all such cases, seafarers shall also have the right to file their complaints directly with recruitment and placement service provider or shipowner or competent authority that the seafarers may consider appropriate for the purpose

14 Payment of wages [Rule 9 of the Govt. of India's Merchant Shipping (Maritime Labour) Rules, 2016]:

- (1) The ship owner shall make payments due to seafarers working on board their ships at no greater than monthly intervals:
- (2) The ship owner shall ensure that the seafarers are given a monthly account of the payments due and the amounts paid, including wages, additional payments and the rate of exchange used where payment has been made in foreign currency.
- (3) The ship owner shall take measures to provide seafarers with a means to transmit all or part of their earnings to their families or dependents or legal beneficiaries.
- (4) The ship owner shall formulate measures to ensure that seafarers are able to transmit their earnings to their families which include:-
 - (a) a system for enabling seafarers, at the time of their entering employment or during it, to allot, if they so desire, a proportion of their wages for remittance at regular intervals to their families by bank transfers or similar means;
 - (b) a requirement that allotments shall be remitted in due time and directly to the person or persons nominated by the seafarers;
 - (c) any charge for the service under sub-rule (3) and clauses (a) and (b) of sub-rule (4) shall be reasonable in amount, and unless otherwise provided the rate of currency exchange shall be at the prevailing market rate or the official rate prescribed by the Reserve Bank of India and not be unfavourable to the seafarer.
- (5) The wages included in the collective bargaining agreement or the Seafarers' Employment Agreement shall be in accordance with the guidelines as laid down in the Merchant Shipping (Maritime Labour) Rules, 2016..

15. Financial Security for repatriation [Rule 12 of the Govt. of India's Merchant Shipping (Maritime Labour) Rules, 2016]:

- (1) Ship owner shall provide financial security as in rule 12 of the Merchant Shipping (Maritime Labour Rules)-2016 and place the evidence of such financial security on-board as in Form- 1 of Merchant Shipping(Maritime Labour Rules)-2016.
- (2) The ship owner shall ensure that seafarer on their ships are repatriated in the following circumstances without any cost to the seafarers, namely.- (a) if the seafarers' employment agreement expires ;
(b) when the seafarers' employment agreement is terminated by the ship owner; or by the seafarer; for justified reasons, as per collective bargaining agreement/seafarer employment agreement; and also
(c) when the seafarers are no longer able to carry out their duties under their employment agreement or cannot be expected to carry them out in the specific circumstances, as per collective bargaining agreement/seafarer employment agreement;
(d) on compassionate grounds as per collective bargaining agreement/seafarer employment agreement;
(e) in the event of their abandonment. A seafarer shall be deemed to have been abandoned where, in violation of the requirements of the Act or the rules or the terms of the seafarers' employment agreement, the ship owner fails to cover the cost of the seafarer's repatriation; or has left the seafarer without the necessary maintenance and support(including adequate food, accommodation, drinking water supplies, essential fuel for survival on board the ship and necessary medical care.); or has otherwise unilaterally severed their ties with the seafarer including failure to pay contractual wages for a period of at least two months.
- (3) Ship owner shall ensure that there are appropriate provisions in collective Bargaining agreement or the seafarers employment agreement, specifying the circumstances in which seafarers are entitled to repatriation in accordance with the provisions of clauses (b) and (c) of sub-rule (2)
 - (a) the maximum duration of service periods on board following which a seafarer is entitled to repatriation – which shall be less than twelve months; and
 - (b) the precise entitlements to be accorded by ship owners for repatriation, including those relating to the destinations of repatriation, the mode of transport, the items of expense to be covered and other arrangements to be made by ship owners.
- (4) Ship owner shall not make any provision requiring that seafarers make an advance payment towards the cost of repatriation at the beginning of their employment, and also from recovering the cost of repatriation from the wages of seafarers' or other entitlements except where the seafarer has been found, as per the applicable collective bargaining agreements/Seafarers employment agreement, to be in default of the seafarer's employment obligations.
- (5) The Financial Security system shall cover the following, namely.-
 - (a) outstanding wages and other entitlements due from the ship owner to the seafarer under the employment agreement/ the relevant collective bargaining agreement, limited to two months of any such outstanding wages and two months of any such outstanding entitlements;
 - (b) all expenses reasonably incurred by the seafarer, including the cost of repatriation referred below, the essential needs of the seafarer including such items, namely, a adequate food, clothing where necessary, accommodation, drinking water, essential fuel for survival on board the ship, necessary medical care and any other reasonable costs or charges from the act or omission constituting the abandonment until the seafarer's arrival at home.
- (6) Cost of repatriation shall cover travel by appropriate and expeditious means, and include provision for food and accommodation of the seafarers from the time of leaving the ship until arrival at the seafarer's home, necessary medical care, passage and transport of personal effect and any other reasonable costs or charges arising from the abandonment.
- (7) The financial security shall not cease before the end of the period of validity of the financial security.
- (8) A copy of the certificate of financial security for repatriation shall be submitted to the registrar of the ship, for verification and record.
- (9) The certificate of financial security by means of an insurance cover may either be obtained from the members of the International Group of P& I Clubs or from any of the Non-IG P&I Clubs approved by the Directorate General of Shipping, GoI. The ship owners may also obtain the Certificate of Financial Security from the Indian insurance companies in order to cover all the required claims of seafarers under the M.S.(Maritime Labour) Rules, 2016.
- (10). The financial security shall provide direct access to, sufficient coverage and expedited financial assistance to any abandoned seafarer.
- (11). Financial security should be encashable/payable, if required, under the direction of the registrar of ships, in case a ship owner is absconding or does not take up the due responsibilities for the payment of wages/repatriation.



16. Financial security relating to shipowners' liability [Rule 19 of the Govt. of India's Merchant Shipping (Maritime Labour) Rules, 2016]:

- a) The ship owner shall provide a system of financial security to assure compensation in the event of the death or long-term disability of seafarers due to an occupational injury, illness or hazard, as set out in the seafarers' employment agreement or collective agreement, as in rule 19 of the Merchant Shipping (Maritime Labour) Rules-2016 and place the evidence of such financial security on-board as in Form- 2 of Merchant Shipping (Maritime Labour) Rules-2016 ;
- b) The shipowner shall ensure that the system of financial security meet the following minimum requirements, namely:
 - i. the contractual compensation, as set out in the seafarers' employment agreement and without prejudice to sub-paragraph iii. below, shall be paid in full and without delay;
 - ii. there shall be no demand to accept a payment less than the contractual amount;
 - iii. whereas the nature of the long-term disability of a seafarers makes it difficult to assess the full compensation to which the seafarers may be entitled, an interim payment shall be made to the seafarers so as to avoid undue hardship;
 - iv. the seafarers shall receive payment in accordance with the provisions of Regulation 4.2, paragraph 2 of MLC, 2006, without prejudice to other legal right, but such payment may other claim made by the seafarers against the ship owner and arising from the same incident; and
 - v. the claim for concerned compensation may be brought directly by the seafarers concerned, or their next of kin, or a representative of the seafarers or designated beneficiary or by Registrar of ship.
 - vi. The certificate or documentary evidence of financial security shall contain the following information and it shall be in English or accompanied by an English translation:
 - a. Name of the ship;
 - b. Port of registry of the ship;
 - c. Call sign of the ship;
 - d. International Maritime Organization number of the ship;
 - e. Name and address of the provider or providers of the financial security;
 - f. Contact details of the person or entity responsible for handing seafarer's contractual claims;
 - g. Name of the owner of the ship;
 - h. Period of validity of the financial security; and
 - i. An attestation from the financial security provider that the financial security meets the requirements of Merchant Shipping Labour rules, 2016.
- c) The ship owner shall not cancel or terminate the financial security without giving a notice in writing to the seafarer.
- d) The ship owner shall ensure that no financial security shall be cancelled or terminated by the provider of the financial security without giving notice of at least thirty days in advance, to the Director General of Shipping, Govt. of India, by the provider of financial security.
- e) The ship owner shall ensure that his ships carry on board a certificate or other documentary evidence of financial security issued by the financial security provider complying with Standard A4.2.1 of MLC, 2006 and copy of the same shall be posted in a conspicuous place on board where it is available to the seafarers.
- f) Where more than one financial security provider provides the cover, the document provided by each provider shall be carried on board.
- g) Financial security shall not cease before the end of the period of validity of the financial security unless the financial security providers has given prior notification of at least thirty days to the competent authority of the flag State.
- h) Financial security shall provide for the payment of all contractual claims covered by it which arise during the period for which the document is valid.
- i) A copy of certificate of financial security shall be submitted to the registrar of the ship for verification and record.
- j) The certificate of financial security by means of an insurance cover may either be obtained from the members of International Group of P& I Clubs or from any of the Non-IG P&I Clubs approved by the Directorate General of Shipping, Govt of India. The ship owners may also obtain the Certificate of Financial Security from the Indian insurance companies in order to cover all the required claims of seafarers under the M.S(Maritime Labour) Rules, 2016.
- k) Financial security shall provide direct access to sufficient coverage and expedited financial assistance to any seafarer.
- l) Financial security should be encashable/payable, if required, under the direction of the registrar of ships, in case a ship owner is absconding or does not take up the due responsibilities for the payment of compensation to the seafarer.

Annexure 2

Declaration of Maritime Labour Compliance – Part II (Measures adopted to ensure ongoing compliance between inspections)

The following measures have been drawn up by the undersigned to comply with the requirements of Annex-1 of MS Notice 09 of 2017 dated 16.11.17 with respect to the ship _____
IMO No. _____ Gross Tonnage: _____ to ensure ongoing compliance between inspections for all working and living condition on board ship.

1. Minimum age
2. Medical certification
3. Qualification of seafarers
4. Seafarers' employment agreement.....
5. Use of licensed recruitment & placement service.....
6. Hours of work or rest
7. Manning levels for the ship
8. Accommodation
9. On-board recreation facilities
10. Food and catering
11. Health and safety and accident prevention
12. On-board medical care
13. On-board complaint procedures
14. Payment of wages
15. Financial security for repatriation
16. Financial security relating to shipowners' liability

I hereby certify that the measure have been drawn up to ensure ongoing Compliance, between inspections, with the requirement listed in Annexure- 1 of M. S. Notice XX of 2017 dated xxxx:

Name of the shipowner¹:

Company address:

¹ Ship-owner means an organization or person, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on ship owners in accordance with MLC convention, regardless of whether any other organization or persons fulfil certain of the duties or responsibilities on behalf of the ship-owner. In short ship-owner is the entity holding the DOC under ISM Code.



Title:

Signature of the authorized signatory:.....

Date:

(Stamp or seal of the shipowner¹)



Annexure-3**Part A: (Check List)****Ships Details**

Name of Ship	Port of Registry	IMO No	Gross tonnage
Official Number/Call Sign	Date/Year Built	Type of ship	Area of Operation
Name of Ship-owner**	Address of Ship-owner		
Name of RPS Provider, if applicable	Address of RPS Provider and RPSL number with validity		
Is the Original shipowner's Declaration (DMLC Part II) on board duly signed by the shipowner**?			
Date of previous Inspection:			
Date and Port of Inspection:			

***Ship-owner means an organization or person, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on ship owners in accordance with MLC convention, regardless of whether any other organization or persons fulfil certain of the duties or responsibilities on behalf of the ship-owner. In short ship-owner is the entity holding the DOC under ISM Code.*

Signature/Stamp**Master**

M/V _____

Date & Place

Y = YES; N = NO & NA = Not Applicable



Mandatory Inspection Items: *(Guidance provided in Italics)*

S. No.	Description	Inspector (Y / N / NA)	Remark by MLC Inspector
1. Minimum Age			
1.1	Are all the seafarers on board above the age of 16 years ?		
1.2	Are there any "young persons" (Age below 18 years) employed on board ? If Yes, please verify further:		
1.2 a	Has the definition of "Night" been documented and is in compliance ?		
1.2 b	Are the young person employed in "Night work" other than for the structured training programme as approved by the administration ?		
1.2 c	Are the young person employed in hazardous work ?		
2. Medical Certification			
2.1	Are all seafarers on board holding a valid medical fitness certificate? <i>(Medical certificate in original signed by qualified & approved medical practitioner, with validity date not more than 2 years from the date of issue. One year for Young persons)</i>		
2.2	Does the medical certificate, state in particular that:		
2.2.a	The hearing and sight are satisfactory?		
2.2.b	The colour vision, where fitness for the work to be performed is liable to be affected by defective colour vision, are satisfactory?		
2.2.c	The seafarer concerned is not suffering from any medical condition likely to be aggravated by service at sea or render the seafarer unfit for such service or to endanger the health of other persons on board?		
2.3	In case the medical certificate has expired, the seafarer has not continued to be employed on board for more than 3 months?		
3. Qualification of seafarers			
3.1	Are all seafarers on board trained or certified as competent or otherwise qualified to perform their duties?		
3.2	Have all the seafarers successfully completed training for personal safety. <i>(Basic STCW Courses)</i>		
3.3	Have the seafarers been provided with familiarization training on board? <i>(Record of such familiarisation may be maintained in register format)</i>		

Y = YES; N = NO & NA = Not Applicable



4. Seafarers' employment agreements			
4.1	Does every seafarer on board have a Seafarers' Employment Agreement (SEA) signed by both the seafarer & the ship-owner or a representative of the ship-owner?		
4.2	Are the seafarers given an opportunity to examine & seek advice on the agreement before signing, to ensure that they have freely entered into an agreement with a sufficient understanding of their rights and responsibilities?		
4.3	Are the seafarers in possession of a document containing a record of their employment on board the ship <i>(unless exempted by the Administration)</i> .		
4.4	Does Collective Bargaining Agreement (CBA) form all or part of SEA?		
4.4.a	If 4.4 is YES, is the copy of CBA available on board? If NO does the SEA include all mandatory information in accordance with the Rule 8 (5) of the Merchant Shipping (Maritime Labour) Rules, 2016 and relevant DG Shipping circulars/notices.		
4.5	Is the Article of Agreement, where applicable, signed by the seafarer filed with the shipping master or other related authority within the time limit as specified by the Director General of Shipping (where applicable)?		
5. Use of any licensed or certified or regulated private recruitment and placement service			
5.1	Are the seafarers recruited through a private recruitment and placement service (RPS) provider?		
5.1.a	If the answer for above is YES, has the RPS provider entered in to a formal Agreement with the ship-owner ?		
6. Hours of work or rest			
6.1	Is the Table of working arrangement for schedules at sea and in port posted in a conspicuous location?		
6.2	Are the records of hours of rest or work kept on board in an appropriate format and same has been signed by the each seafarer and Master?		
6.3	Are the minimum hours of rest being complied with? <i>(Minimum hours of rest to be provided shall be 10 hours in any 24 hours which may be divided into no more than two period and one of which shall be at least 6 hours and 77 hours in any 7 day period)</i>		

7. Manning levels for the ship			
7.1	Are manning levels for the ship adequate, ensuring that ships are operated safely, efficiently and with due regard to security? <i>(ship-owner ensures that there are sufficient seafarers/persons on board, considering the operations of the vessel; to limit fatigue of seafarers & taking into account the requirements concerning food and catering)</i>		
8. Accommodation and On-board recreational facilities			
8.1	Is the ship constructed or substantially modified on or after 09 th October, 2016?		
8.1.a	If answer is YES for 8.1 above – Does the ship have an approved plan complying with the requirements of M S Accommodation Rules, 2016 (with exemptions or substantial equivalent by the flag)? If NO, does the vessel have approved Accommodation Plan, <i>where applicable</i> ?		
8.2	Do the seafarers have safe access to space or spaces on open deck, when off duty?		
8.3	Are appropriate seafarers' recreational facilities, amenities or services provided on board?		
8.4	Is there a proper record of regular (bi-monthly) inspection of the accommodation, food and drinking water carried out by the Master/Designated officer?		
9. Food and catering			
9.1	Are adequate food, in terms of quantity, quality, nutritional value and variety, provided to seafarers free of cost?		
9.2	Are food and drinking water supplied having regards to the no. of seafarers on board, their religious requirements and cultural practices as they pertain to food, the nature and duration of the voyage?		
9.3	Are organization and equipment of the catering department such as to permit the provision to the seafarers of adequate, varied and nutritious meals prepared and served in hygienic conditions? <i>(Ships operating within the harbour limits and providing equivalent shore based catering to the seafarers on board are exempted)</i>		
9.4	Are catering staff properly trained or instructed for their positions?		
9.5	Are there secure and hygienic storage facilities for food, provision and garbage?		

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9.6	Is the seafarer, who is engaged as cook on the ship where the Specified Safe Manning (Minimum safe manning document issued by the administration), is 10 or more, in possession of the Certificate of Competency of Cook, issued by Directorate General of Shipping?		
10. Health and safety protection and accident prevention			
10.1	Are there procedures in place of "Permit to work" system when undertaking hazardous tasks on board?		
10.2	Does the ship-owner have Occupational safety and health protection policy and same is available on board?		
10.3	Are the Seafarers provided with adequate Personal Protective Equipment (PPE) to prevent occupational accidents, injuries and diseases on board?		
10.4	Where there are 5 or more seafarers on board, is the Safety Meeting conducted on board at least once monthly and recorded actions taken as required? <i>(The record may be maintained in a Register format)</i>		
11. On-board Medical care			
11.1	Is the Medicine chest stocked with medicine and equipment as required by the Administration?		
11.2	Is there at least one seafarer with adequate first- aid training on board the ship?		
11.3	Has the Master of the ship been provided with the procedures to contact Ship owner or Ship owner's appointed Doctor for Medical Advice?		
11.4	Are the seafarers provided access to free medical care ashore?		
11.5	Is the medical care not limited to treatment of sick or injured seafarers but include measures of a preventive character such as health promotion and health education programmes?		
12. On board complaint procedures			
12.1	Is there an on-board complaint procedures seeking to resolve complaints of seafarers including the right to complain directly to the master and, where they consider it necessary, to appropriate external authorities?		
12.2	Are there safeguards against the possibility of victimization of seafarers for filing complaints?		
12.3	Are the On-board complaint procedures available to seafarers?		
12.4	Are the complaints of seafarers, if any raised, resolved in timely manner?		

13. Payment of Wages			
13.1	Does the CBA, where applicable, or SEA include the Basic wages, leave wages, overtime and social security, as applicable payable to the seafarers?		
13.2	Are the wages paid to the seafarers at monthly intervals and in accordance to the SEA?		
13.3	Is there a provision for allotment of part or full wages of the seafarer to his nominated beneficiary?		
13.3.a	If above is YES, then is the allotment sent in timely manner and to the nominated beneficiary for the amount of allotment agreed?		
13.4	Are there any unauthorized deductions made from the seafarers' wages?		
13.5	Are the seafarers given statement of monthly account wages?		
14. Entitlement to leave			
14.1	Are the seafarer paid annual leave of minimum 2.5 days per month or pro rata for the period of seafarer's service on board?		
14.2	Are the seafarers granted shore leave to benefit their health and well-being consistent with the operational requirements of their positions?		
15. Repatriation			
15.1	Are the seafarers repatriated as per the circumstances mentioned in the SEA?		
15.2	Is the certificate or documentary evidence of financial security available on board in accordance with Annexe I (DMLC Part I) of this Notice.?		
16. Ship owners' liability			
16.1	Does the SEA/CBA states that the ship owner shall bear the costs for seafarers working on board in respect of sickness and injury occurring between the date of commencing duty and the date upon which they are deemed duly repatriated, or arising from their employment between those dates?		
16.2	Is there a certificate or documentary evidence of financial security available on board in accordance with Annexe I (DMLC Part I) of this notice?		
16.3	Does the SEA/CBA state that the ship-owner defray the expense of medical care, including medical treatment and the supply of the necessary medicines and therapeutic appliances, board and lodging away from home until the sick or injured seafarer has recovered or until the sickness or incapacity has been declared of a permanent character?		

Y = YES; N = NO & NA = Not Applicable




16.4	Does the SEA/CBA state that the ship-owner pay the cost of funeral expenses in the case of death occurring on board or ashore during the period of engagement?		
16.5	Are there measures for safeguarding property left on board by the sick, injured or deceased seafarers and for returning it to them or to their next of kin?		

Date

Date

Name, Signature and stamp of the Master

Name , Signature and stamp of the surveyor from the Recognised Organisation



Part B

STATEMENT OF COMPLIANCE

Name of ship	Distinctive number or letters	Port of registry	Gross tonnage	IMO number
Name and address of the ship-owner			Type of ship	

This is to certify that this ship has been inspected and verified to be in compliance with the requirements as stated in the Part A of Annex 3 of M. S. Notice xx of 2017 issued by the Directorate General of Shipping, Govt of India.

This Statement of Compliance is valid until..... (dd/mm/yyyy), subject to intermediate inspections in accordance with M. S. Notice xx of 2017 issued by the Directorate General of Shipping, Govt of India.

Completion date of the inspection on which this Statement of Compliance is based was (dd/mm/yyyy) Issued at..... on (dd/mm/yyyy).

Official Seal
Endorsement for Intermediate Inspection

[Authorized Signatory of Recognized Organization]

Y = YES; N = NO & NA = Not Applicable



Place.....

Date:..... Authorized Signatory of Recognized Organization

Official Seal

